

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15507 of Marion Cieplak, Jr., pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing non-conforming structure [Paragraph 2001.3(a), (b) and (c)], a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 406.1), and a variance from the side yard requirements (Sub-section 405.9) for an addition to an existing nonconforming single-family dwelling in an R-2 District at premises 409 Savannah Street, S.E., (Square 5971, Lot 34).

HEARING DATE: May 8, 1991
DECISION DATES: July 10 and July 24, 1991

DISPOSITION: The Board GRANTED the case by a vote of 4-0 (Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant; Tersh Boasberg to grant by proxy; Sheri M. Pruitt not voting, not having heard the case).

FINAL DATE OF ORDER: September 23, 1991

RECONSIDERATION ORDER

The Board granted the application with conditions by its Order dated September 23, 1991. By letter dated October 4, 1991, Virginia Major, a party in opposition to the application, filed a timely motion for reconsideration of the Board's decision in the case. The general bases for the requested reconsideration are as follows:

- a. The report submitted by the Office of Planning was incomplete and inaccurate.
- b. There is some question as to whether the Board's approval contemplates renovation and an addition to an existing nonconforming structure or the construction of a new building on the subject site.

There was no response to the motion for reconsideration.

Upon consideration of the motion, the record in the case, and its final order, the Board concludes that it made no error in deciding the application. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered and addressed in its final order. The Board's decision and the conditions imposed were based on consideration of all the evidence presented by both the applicant and the opposition. The fact that

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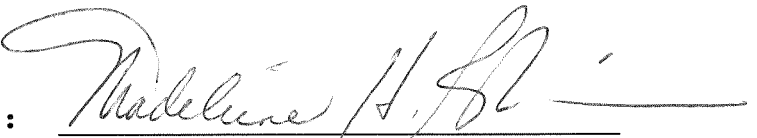
the Board and the opposition came to different conclusions does not make the judgment of the Board arbitrary, capricious or unlawful. Accordingly the motion for reconsideration is hereby DENIED.

DECISION DATE: January 8, 1992

VOTE: 3-0 (Carrie L. Thornhill and Paula L. Jewell to deny; Tersh Boasberg to deny by proxy; Charles R. Norris not present, not voting; Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: _____

JAN 30 1992

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15507Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 30 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Virginia L. Major
3301 - 5th Street, S.E.
Washington, D.C. 20032

Annie B. White
401 Savannah Street, S.E.
Washington, D.C. 20032

Dorothy M. Weaver
3306 - 5th Street, S.E.
Washington, D.C. 20032

Marion Cieplak
9 Alexandria Drive
Oxon Hill, Maryland 20745

William Lockridge, Chairperson
Advisory Neighborhood Commission 8-C
3125 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20032

A large, stylized handwritten signature in dark ink, which appears to read "Madeline H. Robinson". The signature is written over a horizontal line.

MADELIENE H. ROBINSON
Acting Director

DATE: JAN 30 1992

15507Att/bhs